

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**

MAR 06 2020

Clerk, U.S. District Court  
District Of Montana  
Missoula

RANDY BILL RING,

Petitioner,

vs.

LYNN GUYER; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondent.

CV 19-77-H-DLC-JTJ

ORDER

On February 12, 2020, United States Magistrate Judge John T. Johnston entered his Findings and Recommendation recommending that Petitioner Randy Bill Ring's petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed for failure to state a cognizable claim. (Doc. 4.) Ring does not object.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings to which no party objects. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

In his petition, Ring alleged that the amended written judgment imposed in his case did not conform with the sentence the judge announced in open court in violation of Montana Code Annotated § 46-18-116 with regard to the conditions of his parole. (Doc. 1 at 4.) In his Findings and Recommendation, Judge Johnston explained that an error of state law does not provide the basis for federal habeas relief absent errors of constitutional magnitude. (Doc. 4 at 4–5.) Finding no due process violation in Ring’s allegation of error, Judge Johnston determined that Ring had not alleged a proper basis for relief under 28 U.S.C. § 2254. (*Id.* at 6.) Judge Johnston also determined that a certificate of appealability should be denied because jurists of reason could not disagree with his recommendation. (*Id.* at 7.) Having reviewed the petition, the Court finds no clear error in Judge Johnston’s recommendation and will adopt it in full.

IT IS ORDERED that Judge Johnston’s Findings and Recommendation (Doc. 4) is ADOPTED in full.

1. Ring’s Petition (Doc. 4) is DISMISSED.
2. The Clerk of Court is directed, by separate document, to enter judgment of dismissal.
3. A certificate of appealability is DENIED.

DATED this 6<sup>th</sup> day of March, 2020.



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Dana L. Christensen, Chief Judge  
United States District Court